

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DAVID A. MCDOUGALL,

Plaintiff,

Civil No. 20-1499 (JRT/LIB)

v.

**SPECIAL VERDICT**

CRC INDUSTRIES, INC.,

Defendant.

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We, the Jury in this case, make these answers to the following questions:

**Count 1: Strict Products Liability – Defective Design**  
(Instruction Nos.       )

**QUESTION 1A:** Was CRC Industries, Inc.’s product in a defective condition, unreasonably dangerous to users of or those exposed to the product, because of CRC Industries, Inc.’s design?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**QUESTION 1B:** If your answer to Question 1A was “Yes,” then answer this question: Was that design a direct cause of [Cynthia McDougall’s death] [David A. McDougall’s damages]?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**Count 2: Strict Products Liability – Failure to Warn**

(Instruction Nos.     )

**QUESTION 2A:** Was the product in a defective condition, unreasonably dangerous to users of or those exposed to the product, because CRC Industries, Inc. failed to provide adequate warnings for the safe use or reasonably foreseeable misuse of the product?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**QUESTION 2B:** If your answer to Question 2A was “Yes,” then answer this question: Were the inadequate warnings for safe use or reasonably foreseeable misuse a direct cause of [Cynthia McDougall’s death] [David A. McDougall’s damages]?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

*[If you answered “No” to **both** Questions 1B and 2B, you have reached the end of your deliberations and do not need to answer the following questions. Your foreperson should sign and date the form in the space provided at the end of the form.]*

**Fault**

(Instruction Nos.     )

**QUESTION 3A:** Did Kyle Neumiller misuse CRC Duster on July 22, 2019, while driving a motor vehicle?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**QUESTION 3B:** If your answer to Question 3A was “Yes,” answer this question: Did Kyle Neumiller know that huffing CRC Duster while driving on July 22, 2019 was substantially certain to result in [harm] [the consequences/the death of another motorist]?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**QUESTION 3C:** Was Kyle Neumiller at fault for Cynthia McDougall’s death?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**QUESTION 3D:** If your answer to Question 3C was “Yes,” then answer this question: Was Kyle Neumiller’s fault a direct cause of Cynthia McDougall’s death?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**QUESTION 4:** Taking all of the fault that directly caused Cynthia McDougall’s death as 100%, what percentage of fault do you attribute to:

CRC \_\_\_\_\_

Kyle Neumiller \_\_\_\_\_

**TOTAL: 100%**

*(If you answered “No” to **both** Questions 1B and 2B, then your answer in Question 4 should be “0%” as to CRC. If you answered “No” to Question 3D, then your answer in Question 4 should be “0%” as to Kyle Neumiller.)*

**Damages**

(Instruction Nos.     )

**QUESTION 5:** What amount of money will fairly and adequately compensate David A. McDougall for the [total] pecuniary loss suffered by him resulting from Cynthia McDougall's death?

\$ \_\_\_\_\_

**QUESTION 6:** If your answer to Questions 1B and/or 2B was "Yes," then answer this question: By clear and convincing evidence, did CRC act with deliberate disregard for the rights or safety of others?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**QUESTION 7:** If your answer to Question 6 was "Yes," then answer this question: What amount of money will serve to punish CRC and discourage others from behaving in a similar way?

\$ \_\_\_\_\_

**YOU HAVE COMPLETED YOUR DELIBERATIONS. PLEASE HAVE THE FOREPERSON SIGN AND DATE THIS FORM BELOW.**

\_\_\_\_\_  
FOREPERSON'S SIGNATURE

\_\_\_\_\_  
DATE